

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

PATRICK MCCARTHY,

Plaintiff,

Case No. 06-10136

v.

Hon. John Corbett O'Meara

LYNN M. GALLAGHER, *et al.*,

Defendants.

ORDER OF PARTIAL DISMISSAL

On January 10, 2006, Plaintiff filed his complaint, which sets forth fifteen counts: Count I, obstruction of justice; Count II, malicious prosecution; Count III, libel per se; Count IV, libel; Count V, slander per se; Count VI, slander; Count VII, false light; Count VIII, fraud upon the court; Count IX, fraud; Count X, corruption in office; Count XI, professional misconduct; Count XII, tortious interference; Count XIII, civil RICO; Count XIV, intentional infliction of emotional distress; and Count XV, negligent infliction of emotional distress.

The court will dismiss Count I, which asserts a criminal offense that can only be prosecuted by the appropriate governmental body, rather than by a private individual such as Plaintiff. Further, although Plaintiff's civil RICO (Count XIII) claim is cognizable in this court pursuant to 28 U.S.C. § 1331, Plaintiff's remaining claims do not arise under federal law. Pursuant to 28 U.S.C. § 1367(c), a district court may decline to exercise supplemental jurisdiction over state law claims raised in federal question cases. See United Mine Workers v.

Gibbs, 383 U.S. 715 (1966); Padilla v. City of Saginaw, 867 F. Supp. 1309 (E.D. Mich. 1994).

Because Plaintiff does not assert diversity jurisdiction under 28 U.S.C. § 1332, this court declines to exercise supplemental jurisdiction over Plaintiff's state law claims.

Accordingly, IT IS HEREBY ORDERED that Counts I, II, III, IV, V, VI, VII, VIII, IX, X, XI, XII, XIV, and XV of Plaintiff's complaint are DISMISSED.

s/John Corbett O'Meara
John Corbett O'Meara
United States District Judge

Dated: January 24, 2006